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10/627,396	07/24/2003	Jeffrey S. Lille	SJO920020118US1	3023

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EXAMINER

MILLER, BRIAN E

ART UNIT PAPER NUMBER

2627

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/627,396

Applicant(s)

LILLE ET AL.

Examiner

Brian E. Miller

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 4,6-8,12 and 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,9-11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Claims 1-21 are pending.

***Election/Restrictions***

1. Applicant's election without traverse of species (1), i.e., FIGs. 4-7, in the reply filed on 6/19/06 is acknowledged.
2. Claims 4, 6-8, 12, 14-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/19/06.

***Specification***

3. The disclosure is objected to because of the following informalities: (a) the description of FIG. 2, which was indicated as known Prior Art, in the specification, should be moved out of the "Detailed Description of the Preferred Embodiments" section and into "Background of the Invention" to avoid confusion of what really is applicant's invention; (b) page 8 of the specification should be filled in with appropriate application data for completeness; (c) the title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed, e.g. no method claims. Appropriate correction is required.

***Claim Objections***

4. Claim 2 is objected to because of the following informality: (a) the reference to "induction coil" should be referred to "induction coil layer" for consistency. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 9, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasiraj et al (US 6,493,183). (As per claims 1, 9 & 10) Kasiraj et al discloses a magnetic head, as shown mainly in FIGs. 2A-2B, including: a first magnetic pole P1/S2 having a portion thereof that is exposed at an air bearing surface (ABS) of the magnetic head; a second magnetic pole P2 including a pole tip thereof that is exposed at the ABS; a heating element 20 being disposed between the first magnetic pole and the pole tip; an induction coil layer “C” that is disposed between the first magnetic pole P1/S2 and the second magnetic pole P2, as shown in the noted figures (also refer to col. 4, line 35 to col. 5, line 13); (as per claim 2) wherein the heating element 20 is disposed between the induction coil “C” and the pole tip, such that the heating element 20 is not exposed outside these boundaries. It is noted that with respect to claim 9, the magnetic media 10 (Fig. 1B) is known to have the capability to have magnetic bits written thereto as is known in the art. As to the head being a perpendicular type, Kasiraj et al is considered to encompass this type as well (see col. 4, lines 40-46).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 5, 11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasiraj et al in view of the applicant's admitted prior art (AAPA), i.e., FIGs. 2 & 3.

For a description of Kasiraj et al, see the rejection, supra. With respect to claims 3 & 11, Kasiraj et al is silent as to the second magnetic pole including a shaping layer that is disposed in magnetic flux communication with the first magnetic pole, and a probe layer which includes the pole tip, wherein the probe layer is disposed in magnetic flux communication with the shaping layer. However, as shown in FIG. 2 of the AAPA (also refer to pages 5-7 of the instant application), the second magnetic layer includes a probe layer 68 with a pole tip 70.

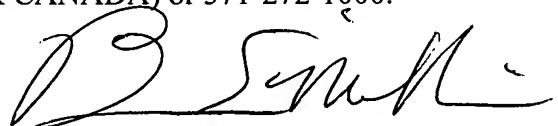
From this teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the single magnetic layer of the second pole to have included two layers, i.e., a shaping layer and a probe layer, as taught by the AAPA.

The motivation would have been: configuring the one layered magnetic pole to have two layers, as discussed above, would have produced a magnetic head with favorable magnetic characteristics, and a high recording density, as would have been readily realized by a skilled artisan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Brian E. Miller**  
**Primary Examiner**  
**Art Unit 2627**

BEM  
August 3, 2006